REMARKS

With the present amendment, claims 24-31 and 35-42 are pending. Claims 24, 28-31, 35, and 39-42 stand rejected under 35 U.S.C. § 102(b) as being anticipated by WO 96/16216 which the Examiner states has an equivalent U.S. Patent cited as U.S. Patent No. 5,804,286. Claims 24, 31, 35, and 42 stand rejected under 35 U.S.C. § 102 as being anticipated by Serbiak, et al. (U.S. Patent No. 5,846,232). Claims 25-27, and 36-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 96/16216 in view of Antoon, Jr. et al. (U.S. Patent No. 4,923,650). Further, claims 25-27 and 36-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Serbiak, et al. (U.S. Patent No. 5,846,232) in view of Antoon, Jr. et al. (U.S. Patent No. 4,923,650).

Respectfully, the methods for making a necked laminate claimed in independent claims 24 and 35 patentably define over the cited prior art. Specifically, WO 96/16216, Serbiak, et al., and Antoon, Jr. et al. do not disclose, teach or suggest the methods of making a laminate called for in independent claims 24 and 35 and the claims that depend therefrom.

Claim 24 claims a method for making a necked laminate. A non-elastic neckable material and a non-elastic film layer are provided. The non-elastic film layer is partially stretched, and then the non-elastic neckable material is attached to the non-elastic film layer when the non-elastic film layer is partially stretched to form a laminate. The laminate is then stretched in a first dimension to neck the laminate in a dimension perpendicular to the first dimension. The stretching of the laminate is done in such a manner that striated rugosities are formed in the non-elastic film layer in the first

dimension. The striated rugosities allow the laminate to be extensible and retractable in the dimension perpendicular to the first dimension.

Similarly, claim 35 claims a method for making a necked laminate. A non-elastic neckable material and a non-elastic film layer are provided. The non-elastic film layer is partially stretched and then attached to the non-elastic neckable material when said non-elastic film layer is partially stretched to form a laminate. The laminate is then stretched in a longitudinal dimension to neck the laminate in a transverse dimension. This stretching is done in a manner so that striated rugosities are formed in the non-elastic film layer in a longitudinal dimension, so that the laminate is extensible and retractable in the transverse dimension.

WO 96/16216 does not disclose all the limitations set forth in independent method claims 24 and 35. For example, WO 96/16216 does not disclose the limitations of partially stretching a non-elastic film layer, and attaching a non-elastic neckable material to the non-elastic film layer when the non-elastic film layer is partially stretched to form a laminate. Therefore, WO 96/16216 does not anticipate claims 24 and 35 of the present application.

Further, WO 96/16216 cannot be combined with Antoon, Jr. et al. to render obvious claims 24 and 35 and the claims that depend therefrom. WO 96/16216 specifically states that, in assembling the composite fabric, the non-woven layer and the second layer are provided in an unstretched state. A stretched non-elastic material will not return fully to its unstretched state. Therefore, this reference teaches away from using the stretched film as called for in Antoon, Jr. et al. Further, it teaches away from the limitations of partially stretching the non-elastic film layer, and attaching the

neckable material to the non-elastic film layer when said non-elastic film layer is partially stretched to form the laminate. For this reason, one of ordinary skill in the art would not look to Antoon, Jr, et al. to replace the unstretched second layer in the composite fabric of WO 96/16216. Thus, claims 24 and 35 and their dependent claims are not rendered obvious by the combination of WO 96/16216 and Antoon, Jr. et al.

Serbiak, et al. also does not disclose all the limitations set forth in independent method claims 24 and 35. For example, Serbiak, et al. does not disclose the limitation of stretching the laminate in a dimension to neck the laminate in another dimension such that striated rugosities are formed in the non-elastic film layer. Serbiak, et al. discloses a method for forming an absorbent article. In Serbiak, et al., an outer cover layer and a bodyside liner layer are necked separately, but concurrently. After the necking of the individual layers, at least one elastic layer is incorporated between the outer cover layer and the bodyside liner layer while forming the laminate to create a resiliently extensible zone in the laminate.

In Serbiak, et al., the laminate itself is not necked, but rather the layers of the laminate are necked separately. To create striated rugosities in a laminate, the laminate as a whole, not the separated individual layers, needs to be necked. Thus, striated rugosities are not formed in the laminate of Serbiak, et al., so that the laminate is extensible and retractable in a specified dimension. To create the extensibility and retractability of the outer cover layer, bodyside liner layer, and the garment as a whole, the elastic layer must be present in Serbiak, et al. Therefore, since Serbiak, et al. does not disclose attaching a non-elastic neckable material to a non-elastic film to form a laminate, and then stretching the laminate in a dimension to neck the laminate such that

striated rugosities are formed in the non-elastic film layer to allow the laminate to be extensible and retractable in a specified dimension, the reference cannot anticipate claims 24 and 35 of the present application.

Similarly, the combination of Serbiak, et al. and Antoon, Jr. et al. do not disclose, teach, or suggest all the limitations set forth in independent claims 24 and 35 and the claims that depend therefrom. For example, neither Serbiak, et al. nor Antoon, Jr. et al. disclose the limitation of stretching the laminate in a dimension to neck the laminate in another dimension such that striated rugosities are formed in the non-elastic film layer. As stated above, Serbiak, et al. only discloses, teaches, or suggests necking an outer layer and a bodyside liner layer separately, but concurrently. Serbiak, et al. does not disclose, teach, or suggest necking the laminate as a whole after the outer layer and the bodyside liner layer are attached together to form the laminate. Therefore, the striated rugosities are not formed in the laminate of Serbiak, et al. to allow the laminate to be extensible and retractable. Serbiak, et al. is only extensible and retractable due to the presence of an elastic layer. Antoon, Jr. et al. only discloses the making of a soft flexible microporous film prepared by stretching. Antoon, Jr. et al. does not disclose, teach, or suggest the forming of a laminate or the necking of a laminate. Since neither Serbiak, et al. nor Antoon, Jr. et al. disclose, teach or suggest a necking of the laminate as called for in claims 24 and 35, these references cannot be combined to render obvious claims 24 and 35 and the claims that depend therefrom.

For at least these reasons set forth above, independent claims 24 and 35 are patentably distinguishable from the prior art and are now allowable. Since claims 25-31 depend from claim 24 and 36-42 depend from claim 35, Applicants respectfully submit

that claims 25-31 and 36-42 are also allowable. Applicants respectfully submit that the application is now in condition for allowance and favorable action thereon is respectfully requested. The Examiner is encouraged to call the undersigned at his convenience to resolve any remaining issues.

Respectfully submitted,

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